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10/633,578	08/05/2003	Bjorn C. Rettig	003797.00557	5433
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BANNER & WITCOFF, LTD. ATTORNEYS FOR CLIENT NOS. 003797 & 013797 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER	
			FRANCIS, MARK P	
			ART UNIT	PAPER NUMBER
			2193	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/633,578	<b>Applicant(s)</b> RETTIG ET AL.
	<b>Examiner</b> MARK P. FRANCIS	<b>Art Unit</b> 2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 February 2008.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-21 and 23-39 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-21 and 23-39 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/1449)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is responsive to the amendment filed August 05, 2003.
2. Per applicants' request, claims 1,11,24 have been amended.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4, 8-14,18-21, 23-27, and 31-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiu (U.S. Pat 6,035,121) in view Fuhrmann.(US PGPUB 2003/0126559)

**Independent claims**

With respect to claims 1,11 and 24, Chiu discloses a system for modifying a computer system or computer application(Col 2:57-67, "...To translate...") from a first language to at least a second language(Col 2:52-67, "...the program in the first language version...") comprising: means for determining a structure of a system about to be migrated; (Col 4:42-67, "...The leverage tool...for creating the directory structure for a build environment...")

means for storing migration information based on the determination of the structure; (Col 5:10-40, "...A resource database is also generated...", Col 6:40-65, "...The resource database contains the current version resource DLL...and the new target language DLL...") means for performing said migration based on said stored migration information. (Col 6:40-65, "...The resource database contains the current version resource DLL...and the new target language DLL...")

performing said migration based on a module-type migration(Col 4:20-30, "...The invention uses the separable binary module...") and based on said stored information(Col 4:45-55, "...The leverage tool compares the current version DLL to the previous version and the previous target language...") to a stored link(Col 4:5-15, "...DLLs are used to link and share system functionality...") to provide a path backwards to reestablish the stored link using pre-migration information; (Col 4: 55-67, "...For example such sub-directories include those for the current version, the previous version, the previous target language...")and

performing said migration based on said stored migration information to a stored registry(Col 5:10-20, "...A resource database is also generated by the leveraging tool...") to synchronize the post-migration system structure.(Col 3:5-20, "...The new target language resource DLL stores those strings of the current version resource DLL that also were present in the previous version...")

but does not disclose wherein performing said migration modifies at least some core code of the computer system from a language dependent form into a language independent form.

Fuhrmann discloses wherein performing said migration modifies at least some core code of the computer system from a language dependent form into a language independent form (Col 2:0019-0020, "...one multi-language version of the source code...obtains translations of the text elements in English...", Col 2:0021, "...in a second language..."in an analogous system for the purpose of providing source code for displaying text elements in multiple languages. (Fuhrmann:Col 1:0006)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify or change some core code from a language dependent format to a language independent format to Chiu's invention using the teachings of Fuhrmann.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide source code for displaying text elements in multiple languages. (Fuhrmann:Col 1:0006)

#### **Dependent claims**

With respect to claims 2,12, and 25, the rejection of claims 1,11, and 24 are incorporated respectively and further, Chiu discloses the step of establishing at least

one localized language hard link to supplement for at least one location independent folder for use with an application. (Col 3:45-67, "...a new resource DLL is generated...")

With respect to claims 3,13 and 26, the rejection of claims 1,11 and 24 are incorporated respectively and further, Chiu discloses that said migration information is drawn from local dynamic libraries and information files. (Col 4:48-67, "...compares the current version DLL to the previous version...")

With respect to claims 4,14, and 27, the rejection of claims 1,11 and 24 are incorporated respectively and further, Chiu discloses that the migration information is used with environment variables in said performing means. (Col 5:19-40, "...A Translation flag...A resource ID...")

With respect to claims 8,18, and 31, the rejection of claims 1,11 and 24 are incorporated respectively and further, Chiu discloses that the performing step further comprises the step of: replacing localized links with unlocalized links. (Col 6:40-67, "...is compared to both the previous version resource DLL...and the previous target language resource...")

With respect to claims 9,19, and 32, the rejection of claims 1,11 and 24 are incorporated respectively and further, Chiu discloses that the performing step further comprises the step of: replacing localized information in an IIS meta database with unlocalized information. (Col 6:35-67, "...The resource database...")

With respect to claims 10,20, and 33, the rejection of claims 1,11 and 24 are incorporated respectively and further, Chiu discloses that the migration information includes a list of localized strings and corresponding unlocalized versions to which the strings are to be converted. (Col 6:35-67, "...The resource database...the localized current version...")

With respect to claim 21, the rejection of claim 11 is incorporated and further, Chiu discloses that the migration is performed on an installed operating system before upgrading the operating system. (Col 4:5-27, "...provided by an operating system...")

With respect to claim 23, the rejection of claim 11 is incorporated and further, Chiu discloses that once said system has been migrated, said system may accommodate additional languages. (Col 4:27-35, "...is readily adapted for use in localizing...to and from any human languages...")

With respect to claims 34,36, and 38, the rejection of claim 1, 11, and 24 are incorporated respectively and further, Chiu discloses that the first language is a first localized language and the second language is a localization independent language. (Col 4:27-55, "...the first language...")

With respect to claims 35,37, and 39, the rejection of claim 1, 11, and 24 are

incorporated respectively and further, Chiu discloses that the first language is a first localized language and the second language is a second localized language. (Col 4:27-55, "...the first language...")

5. Claims 5-7,15-17, and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiu (U.S. Pat 6,035,121) in view Fuhrmann.(US PGPUB 2003/0126559) and further in view of Murphy.(U.S. Pat 5,659,753).

Regarding claims 5, 15, and 29,

The rejection of claims 1,11, and 24 are incorporated respectively and further,

Neither Chiu nor Fuhrmann disclose that the performing step further comprises the step of: unlocking shell folders.

Murphy discloses that the performing step further comprises the step of: unlocking shell folders(Col 5:49-67, "...First, the shell provides a portable interface to basic features of the operating system...",Col 6:1-30, "...the shell locator package...") in an analogous system for the purpose of providing a compiler framework which uses a generic shell or control and sequencing mechanism, and a generic back end. The generic back end provides the functions of optimization, register and memory allocation, and code generation.(Murphy:Col 2:60-67,)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to unlock shell folders to Murphy's invention.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a compiler framework which uses a generic shell or control and sequencing mechanism, and a generic back end. The generic back end provides the functions of optimization, register and memory allocation, and code generation.(Murphy:Col 2:60-67)

Regarding claims 6,16 and 29,

The rejection of claims 1,11, and 24 are incorporated respectively and further,

Neither Chiu nor Fuhrmann disclose that the performing step further comprises the step of: unlocking the system of at least one user and group profiles.

Murphy discloses that the performing step further comprises the step of: unlocking the system of at least one user and group profiles (Col 5:49-67, "...First, the shell provides a portable interface to basic features of the operating system...", Col 6:1-30, "...the shell locator package...") in an analogous system for the purpose of providing a compiler framework which uses a generic shell or control and sequencing mechanism, and a

generic back end. The generic back end provides the functions of optimization, register and memory allocation, and code generation.(Murphy:Col 2:60-67.)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to unlock the system of one user and group profile to Murphy's invention.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a compiler framework which uses a generic shell or control and sequencing mechanism, and a generic back end. The generic back end provides the functions of optimization, register and memory allocation, and code generation.(Murphy:Col 2:60-67)

Regarding claims 7,17 and 30,

The rejection of claims 1,11, and 24 are incorporated respectively and further,

Neither Chiu nor Fuhrmann disclose that said performing step further comprises the step of: unlocking a registry.

Murphy discloses said performing step further comprises the step of: unlocking a registry.(Col 5:49-67, "...First, the shell provides a portable interface to basic features of the operating system...", Col 6:1-30, "...the shell locator package...") in an analogous system for the purpose of providing a compiler framework which uses a generic shell or control and sequencing mechanism, and a generic back end. The generic back end provides the functions of optimization, register and memory allocation, and code generation.(Murphy:Col 2:60-67,)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to unlock a registry to Murphy's invention.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a compiler framework which uses a generic shell or control and sequencing mechanism, and a generic back end. The generic back end provides the functions of optimization, register and memory allocation, and code generation.(Murphy:Col 2:60-67)

#### ***Response to Arguments***

6. Applicant's arguments filed on February 11, 2008 have been fully considered but they are not persuasive. Following is the Examiner's response to Applicants' arguments.

With respect to claims 1,11, and 24, Applicant essentially argues that neither Chiu nor Fuhrmann et al. anticipate the features of these claims because they do not either alone or in combination teach or suggest performing said migration based on a module-type migration and based on said stored information to a stored link to provide a path backwards to reestablish the stored link using pre-migration information; and

performing said migration based on said stored migration information to a stored registry to synchronize the post-migration system structure.

In response, the Examiner disagrees. Notes Chiu:Col 4:15-35, it is here that Chiu teaches that the invention uses a separable binary module to localize a current version of a program from a first language(English) version to a completely different target language. In addition, the Examiner also cites Col 3:1-25, here Chiu discloses that the leverage tool in his invention generates a new target language resource DLL that stores the strings of the current version DLL that were also present in the previous version and were also translated. Next, it is stated that the resource data from the current version resource DLL are stored as translation records inside the resource database along with the locked strings which is data that is not being translated from one language to another. The Examiner also Note Chiu:Col 4:55-67, it is here that Chiu discloses that the invention automatically builds sub-directories for the files that are used in the leverage process for the current version, the previous version, the previous target language, the new target language, the final target language

resource DLLs, the resource database storage, and version control backups that will provide a path backwards to reestablish the stored link with pre-migration information in case a localizing or updating error such occur during the process. Therefore Chiu does disclose performing said migration based on a module-type migration and based on said stored information to a stored link to provide a path backwards to reestablish the stored link using pre-migration information; and

performing said migration based on said stored migration information to a stored registry to synchronize the post-migration system structure.

***Conclusion***

**7. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK P. FRANCIS whose telephone number is (571)272-7956. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571)272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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